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REMARKS

Claims 1 and 8 have been amended to correct grammar. No new matter is introduced.

Claims 1-35 are pending in the application. In the Office Action at hand, Claims 1-35 are rejected.

In particular, Claims 1-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-16 of U.S. Patent No. 6,658,941. The Examiner has taken the position that although the conflicting claims are not identical, they are not patentably distinct from each other because both the patent and the above referenced application claim a heat loss gauge for measuring gas pressure with identical elements. In response to the double patenting rejection, the Applicant submits that the claims of the above referenced application claim limitations or elements not found in, or obvious in view of Claims 1-16 of Patent No. 6,658,941 and are, therefore, patentably distinct from Patent No. 6,658,941. Accordingly, the double patenting rejection is improper, MPEP 804 (II) (B) (1). Reconsideration is respectfully requested.

Independent Claim 1, as amended, of the above referenced application recites:

A heat loss gauge for measuring gas pressure in an environment comprising:

a resistive sensing element;

a resistive compensating element in circuit with the sensing element and having temperature response and physical characteristics substantially matching those of the resistive sensing element and being exposed to a substantially matching environment;

an electrical source connected to the sensing element and compensating element for applying currents through the elements, the currents having a defined ratio, the current through the sensing element being substantially greater than the current through the compensating element; and

measuring circuitry connected to the sensing element and the compensating element for determining gas pressure in the environment to which the sensing element and compensating element are exposed based on electrical response of the sensing element and the compensating element. (Emphasis added.)

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Independent Claims 11, 22 and 23 also recite an electrical source connected to the "sensing element and compensating element for applying currents through the elements, *the currents having a defined ratio*", and independent Claims 25 and 25 recite "applying currents through the sensing element and compensating element from an electrical source, *the currents having a defined ratio*."

Such currents *having a defined ratio*, as recited above, is a limitation or element that is not recited or suggested in Claims 1-16 of Patent No. 6,658,941. Therefore, Claims 1-35, as amended, are patentably distinct from Claims 1-16 of Patent No. 6,658,941.

In addition, the dependent claims of this application recite further limitations or elements that are not found or recited in Claims 1-16 of Patent No. 6,658,941. For example, dependent Claims 2, 13 and 27 of the above referenced application recite "separate DC currents" are applied or flow through the sensing element and compensating element; dependent Claim 3, 14 and 28 recite that the current through the compensating element is "a predetermined fraction of the current through the sensing element"; dependent Claims 7, 18 and 32 recite that there is a fixed ratio maintained "between the current applied to the sensing element and the current applied to the compensating element"; and dependent Claim 8, as amended, recites that "the voltage across the sensing element and the voltage across the compensating element and non-temperature-sensitive resistive element are multiplied by multipliers having a ratio inversely related to the ratio of the currents to the sensing element and the compensating element, the resulting voltages being compared in the feedback circuitry", with dependent Claims 19 and 33 reciting similar limitations.

Accordingly, since Claims 1-35, as amended, of the above referenced application recite limitations or elements that are not recited or suggested in Claims 1-16 of Patent No. 6,658,941, Claims 1-35, as amended, are patentably distinct from Claims 1-16 of Patent No. 6,658,941. As a result, removal of the double patenting rejection is respectfully requested. Reconsideration is respectfully requested.

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CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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